



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/750,708; Appeal No. 2008-3604
Applicant: Robert J. Simmons
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Group #: 3637
Examiner: Phi Dieu Tran A

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Docket No: J-BSIM.1009
Customer No: 56703
For: Building Frame With Open/Openable-Top, Hollow, Tubular Column Structure

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRELIMINARY AMENDMENT IN SUPPORT OF RCE UNDER 37 C.F.R. § 1.114
Introductory Comments

In response to the decision of the Board of Patent Appeals, dated September 23, 2008, Applicant hereby reopens prosecution with the filing of a RCE and the following

Amendment:

Amendments to the Specification None

Amendment to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendment to the Drawings None

Remarks/Arguments begin on page 3 of this paper.

An **Appendix** is not included.